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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,620	11/28/2006	Nicholas William Anderson	361381US8PCT	5901

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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09/21/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/551,620	ANDERSON, NICHOLAS WILLIAM	
	Examiner	Art Unit	
	WILLIE J. DANIEL JR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-30 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-30 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 30 June 2010. **Claims 1-3, 5-30, and 32** are now pending in the present application and **claims 4 and 31** are canceled.

This office action is made **Final**.

Drawings

2. The objection applied to the drawing is withdrawn, as the proposed drawing correction is approved.

Specification

3. The objections applied to the specification are withdrawn, as the proposed specification corrections are approved.

Claim Objections

4. The objection applied to the claim is withdrawn, as the proposed claim correction is approved.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 7, 13, 16, 23, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. **Claim 13** recites the limitation "...transmitter is **capable of** transmitting..." in line(s) 2 of the claim. The claim language only states that the *apparatus is configured to*, but the **does not positively** indicate that the apparatus performs the function. See MPEP § 2111.04.
- b. **Claim 27** recites the limitation "...processor is **arranged to** decode..." in line(s) 2 of the claim. The claim language only states that the *apparatus is configured to*, but the **does not positively** indicate that the apparatus performs the function. See MPEP § 2111.04.
- c. Similar issues as indicated above for language "...operable to..." as recited in claims 5, 7, 16, and 23.

Regarding claims 11-12, the language of the claim(s) raises a question as to the limiting effect of the claim. For example, the claim language does not **positively** convey a *process or method* that is performed by an *apparatus or machine*. The Examiner recommends that the applicant clarify the claim language as supported by the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 7-13, 16-25, 27-29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cao et al.** (hereinafter **Cao**) (**US 6,647,005 B1**) in view of **Terry et al.** (hereinafter **Terry**) (**US 6,587,697 B2**).

Regarding **claims 1 and 29**, Cao discloses an apparatus for transmitting user equipment specific information from a base station (e.g., BS) to a user equipment (e.g., mobile station MS) in a cellular communication system (see col. 3, lines 8-17; Fig. 10), the apparatus comprising:

a processor (e.g., BS) for combining user equipment specific information for a plurality of user equipment to generate combined user equipment specific information (see col. 3, lines 15-17; col. 4, lines 30-35, 40-45; Fig. 10), where the system multiplexes information for multiple users;

a encode processor (e.g., BS) for jointly encoding the combined user equipment specific information for at least two of the plurality of user equipment (see col. 2, line 66 - col. 3, line 2; col. 3, lines 15-18, 63-67; col. 4, lines 3-5, 38-45, 49-51, 60-62; Fig. 10); and

a transmitter (e.g., BS) for transmitting the jointly encoding combined user equipment specific information in a single allocation of transmission resource (e.g., frame or slot) (see col. 3, lines 15-17, 20, 63-67; col. 4, lines 38-45; Fig. 10). Cao inexplicitly discloses having

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the feature(s) encoding processor; encoding. However, the examiner maintains that the feature(s) encoding processor; encoding was well known in the art, as taught by Terry.

In the same field of endeavor, Terry discloses the feature(s) encoding processor; encoding (see col. 4, lines 1-4; col. 3, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao and Terry to have the feature(s) encoding processor; encoding, in order a method of performing power control while minimizing the overhead, as taught by Terry (see col. 2, lines 40-42).

Regarding **claim 2**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the single allocation of transmission resource is a time slot (see col. 3, lines 15-17, 20,63-67; col. 4, lines 38-45; Fig. 10).

Regarding **claim 3**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the single allocation of transmission resource is a single time code frequency resource allocation unit (see col. 3, lines 15-17, 20,63-67; col. 4, lines 38-45; Fig. 10).

Regarding **claim 5**, Cao discloses an apparatus as claimed in claim 1 wherein the encoding processor for jointly encoding is operable to jointly encode user equipment specific information associated with all user equipment of the plurality of user equipment (see col. 4, lines 3-5,38-45,49-51,60-62; Fig. 10). Cao inexplicitly discloses having the feature(s)

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encoding processor; encoding. However, the examiner maintains that the feature(s) encoding processor; encoding was well known in the art, as taught by Terry.

Terry further discloses the feature(s) encoding processor; encoding (see col. 4, lines 1-4; col. 3, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao and Terry to have the feature(s) encoding processor; encoding, in order a method of performing power control while minimizing the overhead, as taught by Terry (see col. 2, lines 40-42).

Regarding **claims 7 and 32**, Cao discloses an apparatus as claimed in claim 1 wherein the user equipment specific information comprises a plurality of parameters each having a number of possible values, and wherein the encoding processor for jointly encoding is operable to encode the plurality of parameters by encoding a combined parameter having a combined number of possible values equal to the product of the number of possible values of the plurality of parameters (see col. 4, lines 3-5,38-45,49-51,60-62; Fig. 10). Cao inexplicitly discloses having the feature(s) encoding processor; encoding. However, the examiner maintains that the feature(s) encoding processor; encoding was well known in the art, as taught by Terry.

Terry further discloses the feature(s) encoding processor; encoding (see col. 4, lines 1-4; col. 3, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao and Terry to have the feature(s)

encoding processor; encoding, in order a method of performing power control while minimizing the overhead, as taught by Terry (see col. 2, lines 40-42).

Regarding **claim 8**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the user equipment specific information comprises power control information (see col. 3, lines 25-30).

Regarding **claim 9**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the user equipment specific information comprises synchronisation information (see col. 3, lines 25-30; Fig. 10).

Regarding **claim 10**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the user equipment specific information comprises only synchronisation information (see col. 3, lines 25-30; Fig. 10).

Regarding **claim 11**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the user equipment specific information is associated with an uplink channel from each of the plurality of user equipment (see col. 4, lines 13-15; Fig. 10).

Regarding **claim 12**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 further comprising a controller (e.g., BS) for setting a transmit power for the single allocation of transmission resource in response to a transmit power requirement of

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the plurality of user equipment (see col. 3, lines 15-17; col. 4, lines 13-15,30-35,40-45; Fig. 10).

Regarding **claim 13**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the transmitter is capable of transmitting position information indicative of a position of user equipment specific information for a first user equipment (see col. 4, lines 13-15,60-62; Fig. 10).

Regarding **claim 16**, Cao discloses an apparatus as claimed claim 1 wherein the encode processor for jointly encoding is operable to encode the combined user equipment specific information by using processing algorithms of a group of algorithms used by a plurality of services (see col. 4, lines 3-5,38-45,49-51,60-62; Fig. 10). Cao inexplicitly discloses having the feature(s) encode processor; encoding. However, the examiner maintains that the feature(s) encode processor; encoding was well known in the art, as taught by Terry.

Terry further discloses the feature(s) encode processor; encoding (see col. 4, lines 1-4; col. 3, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao and Terry to have the feature(s) encode processor; encoding, in order a method of performing power control while minimizing the overhead, as taught by Terry (see col. 2, lines 40-42).

Regarding **claim 17**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as

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claimed in claim 1 further comprising means for transmitting position information indicative of a position of user equipment specific information for a first user equipment (see col. 4, lines 13-15,60-62; Fig. 10).

Regarding **claim 18**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 16), in addition Cao further discloses an apparatus as claimed in claim 16 wherein the cellular communication system is the UTRA (UMTS (Universal Mobile Telecommunication System) Terrestrial Radio Access) TDD cellular communication system specified by the 3rd Generation Partnership Project (see col. 3, lines 8-17; Fig. 10).

Regarding **claim 19**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 18), in addition Cao further discloses an apparatus as claimed in claim 18 wherein the user equipment specific information consists of Transmit Power Control (TPC) and Synchronisation Shift (SS) data (see col. 3, lines 25-30; Fig. 10).

Regarding **claim 20**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 further comprising a processor (e.g., BS) for determining a transmit power of the single allocation of transmission resource in response to a number of user equipment for which the single allocation of transmission resource comprises user equipment specific information (see col. 3, lines 15-17,25-30; col. 4, lines 13-15, 30-35,40-45,60-62; Fig. 10).

Regarding **claim 21**, Cao discloses an apparatus as claimed in claim 1 further comprising a processor (e.g., BS) for determining an encoding process for the single allocation of transmission resource in response to a number of user equipment for which the

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single allocation of transmission resource comprises user equipment specific information (see col. 4, lines 3-5,38-45,49-51,60-62; Fig. 10). Cao inexplicitly discloses having the feature(s) encoding. However, the examiner maintains that the feature(s) encoding was well known in the art, as taught by Terry.

Terry further discloses the feature(s) encoding (see col. 4, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao and Terry to have the feature(s) encoding, in order a method of performing power control while minimizing the overhead, as taught by Terry (see col. 2, lines 40-42).

Regarding **claim 22**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 21), in addition Cao further discloses an apparatus as claimed in claim 21 wherein the single allocation of transmission resource does not comprise verification data (see col. 4, lines 38-45,49-51,60-62; Fig. 10).

Regarding **claim 23**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the transmitter for transmitting is operable to transmit user equipment specific information for a first user in intermittent single allocation of transmission resource (see col. 4, lines 38-45,49-51,60-62; Fig. 10).

Regarding **claim 24**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the single allocation of transmission resource corresponds to a

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minimum size transmission block of user equipment specific information which can be transmitted by the transmitter (see col. 4, lines 38-45,49-51,60-62; Fig. 10).

Regarding **claim 25**, the combination of Cao and Terry discloses every limitation claimed, as applied above (see claim 1), in addition Cao further discloses an apparatus as claimed in claim 1 wherein the apparatus is a base station (see col. 4, lines 13-19; Fig. 10).

Regarding **claims 26 and 30**, Cao discloses a user equipment (e.g., mobile station MS) for receiving user equipment specific information from a base station (e.g., BS) in a cellular communication system (see col. 3, lines 8-17; Fig. 10),

the user equipment (e.g., MS) comprising:

a receiver for receiving a single allocation of transmission resource comprising jointly encoded combined user equipment specific information for at least two of the plurality of user equipment (see col. 3, lines 63-67; col. 4, lines 3-5,30-45,49-51,60-62; Fig. 10), where the system multiplexes information for multiple users; and

a processor for determining user specific information for the user equipment from the single allocation of transmission resource (e.g., frame or slot) (see col. 3, lines 15-17,20,63-67; col. 4, lines 38-45; Fig. 10). Cao inexplicitly discloses having the feature(s) encoded. However, the examiner maintains that the feature(s) encoded was well known in the art, as taught by Terry.

In the same field of endeavor, Terry discloses the feature(s) encoded (see col. 4, lines 1-4; col. 3, lines 20-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao and Terry to have the feature(s)

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encoded, in order a method of performing power control while minimizing the overhead, as taught by Terry (see col. 2, lines 40-42).

Regarding **claim 27**, Cao discloses a user equipment as claimed in claim 26 wherein the processor is arranged to decode the jointly encoded combined user equipment specific information and select the user equipment specific information for the user equipment (see col. 2, line 66 - col. 3, line 2; col. 4, lines 3-5,38-45), where decoding would be implicit to receive information as evidenced by the fact that one of ordinary skill in the art would clearly recognize. Cao inexplicitly discloses having the feature(s) encoded. However, the examiner maintains that the feature(s) encoded was well known in the art, as taught by Terry.

Terry further discloses the feature(s) encoded (see col. 4, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao and Terry to have the feature(s) encoded, in order a method of performing power control while minimizing the overhead, as taught by Terry (see col. 2, lines 40-42).

Regarding **claim 28**, Cao discloses a cellular communication system (see col. 3, lines 8-17; Fig. 10) comprising

a first apparatus for transmitting user equipment specific information from a base station (e.g., BS) to a user equipment (e.g., mobile station MS) (see col. 4, lines 13-15), the first apparatus comprising:

a processor (e.g., BS) for combining user equipment specific information for a plurality of user equipment to generate combined user equipment specific information (see col. 3,

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lines 15-17; col. 4, lines 30-35,40-45; Fig. 10), where the system multiplexes information for multiple users,

an encode processor (e.g., BS) for jointly encoding the combined user equipment specific information for at least two of the plurality of user equipment (see col. 2, line 66 - col. 3, line 2; col. 3, lines 15-18,63-67; col. 4, lines 3-5,38-45,49-51,60-62; Fig. 10), and

a transmitter (e.g., BS) for transmitting the combined user equipment specific information in a single allocation of transmission resource (e.g., frame or slot) (see col. 3, lines 15-17, 20,63-67; col. 4, lines 38-45; Fig. 10); and

the user equipment (see col. 4, lines 13-15) comprising:

a receiver for receiving a single allocation of transmission resource comprising jointly encoded combined user equipment specific information for at least two of the plurality of user equipment (see col. 3, lines 63-67; col. 4, lines 3-5,30-45,49-51,60-62; Fig. 10), where the system multiplexes information for multiple users; and

a processor means for determining user specific information for the user equipment from the single allocation of transmission resource (e.g., frame or slot) (see col. 3, lines 15-17,20,63-67; col. 4, lines 38-45; Fig. 10). Cao inexplicitly discloses having the feature(s) encode processor; encoding. However, the examiner maintains that the feature(s) encode processor; encoding was well known in the art, as taught by Terry.

Terry further discloses the feature(s) encode processor; encoding (see col. 4, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao and Terry to have the feature(s)

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encode processor; encoding, in order a method of performing power control while minimizing the overhead, as taught by Terry (see col. 2, lines 40-42).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cao et al.** (hereinafter **Cao**) (**US 6,647,005 B1**) in view of **Terry et al.** (hereinafter **Terry**) (**US 6,587,697 B2**) as applied to claim 1 above, and further in view of **Tsunehara et al.** (hereinafter **Tsunehara**) (**US 7,006,463 B2**).

Regarding **claim 6**, the combination of **Cao** and **Terry** discloses every limitation claimed as applied above in claim 1. **Cao** does not specifically disclose having the feature(s) wherein the encoding comprises forward error correcting coding. However, the examiner maintains that the feature(s) wherein the encoding comprises forward error correcting coding was well known in the art, as taught by **Tsunehara**.

In the same field of endeavor, **Tsunehara** discloses the feature(s) wherein the encoding comprises forward error correcting coding (see col. 5, lines 10-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of **Cao**, **Terry**, and **Tsunehara** to have the feature(s) wherein the encoding comprises forward error correcting coding, in order to provide a system in which a base station controls transmission power, as taught by **Tsunehara** (see col. 2, lines 53-57).

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Claim 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cao et al.** (hereinafter Cao) (**US 6,647,005 B1**) in view of **Terry et al.** (hereinafter Terry) (**US 6,587,697 B2**) as applied to claim 1 above, and further in view of **Kim et al.** (hereinafter Kim) (**US 7,450,611 B2**).

Regarding **claim 14**, Cao discloses an apparatus as claimed in claim 1 wherein the user equipment specific information is control information associated with service (see col. 4, lines 13-15,60-62; col. 3, lines 25-30; Fig. 10). The combination of Cao and Terry does not specifically disclose having the feature(s) High Speed Downlink Packet Access (HSDPA) service. However, the examiner maintains that the feature(s) High Speed Downlink Packet Access (HSDPA) service was well known in the art, as taught by Kim.

In the same field of endeavor, Kim discloses the feature(s) High Speed Downlink Packet Access (HSDPA) service (see col. 9, lines 55-60; col. 12, lines 19-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao, Terry, and Kim to have the feature(s) High Speed Downlink Packet Access (HSDPA) service, in order to provide an apparatus and method for transmitting and receiving information for user in an HSDPA communication system, as taught by Tsunehara (see col. 7, lines 34-39).

Regarding **claim 15**, Cao discloses an apparatus as claimed in claim 14 wherein the user equipment specific information is associated with an uplink dedicated physical channel (DPCH) of the HSDPA downlink packet data service (see col. 4, lines 13-15,60-62; col. 3, lines 25-30; Fig. 10). The combination of Cao and Terry does not specifically disclose having the feature(s) High Speed Downlink Packet Access (HSDPA) service. However, the

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examiner maintains that the feature(s) High Speed Downlink Packet Access (HSDPA) service was well known in the art, as taught by Kim.

In the same field of endeavor, Kim discloses the feature(s) High Speed Downlink Packet Access (HSDPA) service (see col. 9, lines 55-60; col. 12, lines 19-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cao, Terry, and Kim to have the feature(s) High Speed Downlink Packet Access (HSDPA) service, in order to provide an apparatus and method for transmitting and receiving information for user in an HSDPA communication system, as taught by Tsunehara (see col. 7, lines 34-39).

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-30, and 32 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr
14 September 2010

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617